

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MATTHEW A. HOLDER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:10-CV-445
)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley on November 14, 2011 [Doc. 14]. There have been no timely objections to the Report and Recommendation and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommends that the plaintiff's motion for summary judgment [Doc. 8] be granted, that the Commissioner's motion for summary judgment [Doc. 12] be denied, that the Commissioner's decision to deny benefits to plaintiff be reversed, and that this case be remanded to the Commissioner for an award of benefits.

The Court has carefully reviewed this matter, including the underlying motions and the complaint. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS**

IN WHOLE the Report and Recommendation [Doc. 14]. Additionally, it is hereby **ORDERED** that the plaintiff's motion for summary judgment [Doc. 8] is **GRANTED** and the Commissioner's motion for summary judgment [Doc. 12] is **DENIED**. The Commission's decision to deny benefits to plaintiff is **REVERSED** and this case is **REMANDED** to the Commissioner for an award of benefits.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt
CLERK OF COURT